

08:45AM

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S RECORD

VOLUME 7 OF 23 VOLUMES

TRIAL COURT CAUSE NO. 017-287611-16

COURT OF APPEALS NO. 02-18-00332-CV

GHRIST LAW FIRM,
P.L.L.C., ET AL,

Plaintiffs,

VS.

J. MICHAEL FERGUSON,
P.C., ET AL,

Defendants.

) IN THE DISTRICT COURT

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

)

TARRANT COUNTY, TEXAS

17TH JUDICIAL DISTRICT

TRIAL ON THE MERITS

On the 17th day of April, 2018, the following
proceedings came on to be heard in the above-entitled
and numbered cause before the Honorable Melody
Wilkinson, Judge presiding, held in Fort Worth, Tarrant
County, Texas:

Proceedings reported by machine shorthand.

A P P E A R A N C E S

Mr. Caleb I. Moore

State Bar No. 24067779
LAW FIRM OF CALEB MOORE, PLLC
2205 Martin Drive
Suite 200
Bedford, Texas 76021
PHONE: 817-953-2420
FAX: 817-581-2540

-- and --

Mr. Ian D. Ghrist

State Bar No. 24073449
GHRIST LAW FIRM, PLLC
2735 Villa Creek Drive
Suite 140
Farmers Branch, Texas 75234
PHONE: 817-778-4136
FAX: 817-900-2863
ATTORNEYS FOR PLAINTIFFS

Mr. Thomas A. Herald

State Bar No. 09499520

James Nathan Richards

State Bar No. 24091810

Mr. J. Michael Ferguson

State Bar No. 24000644

J. MICHAEL FERGUSON, PC

62 Main Street

Suite 310

Colleyville Texas 76034

PHONE: 817-267-1008

FAX: 817-485-1117

ATTORNEYS FOR DEFENDANTS

VOLUME 7 OF 23 VOLUMES

1	CHRONOLOGICAL INDEX				
2	VOLUME 7 OF 23				
3	TRIAL ON THE MERITS				
4				PAGE	VOL.
5	APRIL 17, 2018				
6	Appearances.....			2	7
7	Proceedings.....			5	7
8	PLAINTIFFS' WITNESSES				
9		DIRECT	CROSS	VOIR DIRE	VOL.
10	Ian Ghrist	6	155		7
11	Proceedings Adjourned for the Day.....			254	7
12	Court Reporter's Certificate.....			255	7
13	ALPHABETICAL WITNESS INDEX				
14		DIRECT	CROSS	VOIR DIRE	VOL.
15	Ian Ghrist	6	155		7
16					
17	PLAINTIFFS' EXHIBIT INDEX				
18	NO.	DESCRIPTION		OFRD/ADM	VOL.
19	9E	E-mail from Michael Ferguson to		79/79	7
20		Ian Ghrist			
21	37	Order Appointing Successor Trustee		46/46	7
22					
23					
24					
25					

1	DEFENDANTS' EXHIBIT INDEX			
2	NO.	DESCRIPTION	OFRD/ADM	VOL.
3	75	Motion for Turnover Order and for	174/174	7
4		Appointment of Turnover Receiver,		
		9/16/14		
5	76	Order Granting Turnover and	208/208	7
6		Appointing Ghrist as Receiver,		
		10/23/14		
7	78	Mineral Deed Dated 7/6/15	231/231	7
8	100	Receivership Accounting - Final	215/215	7
9	108	9/13/15 Statement in the Amount	184/184	7
10		Of \$8,130.53 for Ian Ghrist Billing		
11		As Receiver and \$790.70 for Teisha		
		Boles		
12	109	Copy of 10/21/15 Check to Ian Ghrist	186/186	7
13	184	Affidavit of Ian Ghrist, 2/21/18	213/214	7

P R O C E E D I N G S

(The jury entered the courtroom.)

THE COURT: Please be seated.

Well, good morning, ladies and gentlemen of the jury, and welcome back to your fifth day of jury service in the 17th District Court. Hopefully everyone enjoyed having a little jingle in your pocket this weekend. Hopefully you didn't spend it all in one place. Again, it's not nearly enough for all of the work that you are doing for us, so please know how much everything is appreciated. But we're glad that everybody made it back here on time on this Tuesday morning, and as you know, we are still in the middle of Plaintiffs' case in chief.

And, therefore, Mr. Moore, on behalf of the Plaintiffs, you may call your next witness.

MR. MOORE: We call Mr. Ghrist, Your Honor.

THE COURT: And, Mr. Ghrist, if you would, please watch the incline as you walk up to the witness stand.

(The witness was duly sworn.)

THE COURT: And you may be seated.

And, Mr. Moore, you may proceed.

IAN GHRIST,
having been first duly sworn, testified as follows:

10:26AM 1 A. I talked to him about the -- about MBH Real
10:26AM 2 Estate, L.L.C. and how he was going to draft an
10:26AM 3 operating agreement that would protect Mr. Coker's
10:26AM 4 interest and my interest. And then that was not like a
10:26AM 5 very long conversation, and after that, I was just
10:26AM 6 waiting for that to get done, that operating agreement
10:27AM 7 to get done.

10:27AM 8 Q. Did you ever see the Secretary of State
10:27AM 9 paperwork creating a company?

10:27AM 10 A. Yes.

10:27AM 11 Q. Were you listed on there as a managing member?

10:27AM 12 A. No.

10:27AM 13 Q. Were you okay with that?

10:27AM 14 A. Yes.

10:27AM 15 Q. Why?

10:27AM 16 A. Because I only had a 13.33 percent minority
10:27AM 17 membership, so I was okay with Shawn Coker and Ferguson,
10:27AM 18 P.C., being the managing members. And I didn't have --
10:27AM 19 think that I needed to be a managing member if I only
10:27AM 20 had a 13.33 percent membership interest, at least until
10:27AM 21 the buyout happened, because there was a balance between
10:27AM 22 Coker and Ferguson with them both being managing
10:27AM 23 members, and I didn't have a problem with that until
10:27AM 24 that balance was gone.

10:27AM 25 Q. Okay. And so how did MBH operate without an

C E R T I F I C A T E

THE STATE OF TEXAS)

COUNTY OF TARRANT)

I, DEANA F. SCOBEE, Official Court Reporter in and for the 17th District Court of Tarrant County, State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested in writing by counsel for the parties to be included in this volume of the electronic reporter's record, in the aforementioned cause, all of which occurred in open court or in chambers and were reported by me.

I FURTHER CERTIFY that this electronic reporter's record of the proceedings truly and correctly reflects the exhibits, if any, offered and/or admitted by the respective parties, if requested.

WITNESS MY OFFICIAL HAND this the 11th day of January, 2019.

/s/ Deana F. Scobee_____
DEANA F. SCOBEE, CSR, RMR, CRR
Texas CSR 5509
Expiration: 10/31/2021
Official Court Reporter
17th District Court
100 North Calhoun Street, 3rd Floor
Tarrant County, Texas
Fort Worth, Texas 76196
(817) 884-1459 - Direct
dfscobee@tarrantcounty.com